

Washington Legislature sues Inslee over vetoes, setting up another clash over powers

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Washington Gov. Jay Inslee last March urges the passage of House Bill 1091 and Senate Bill 5126, which would address the increasing effects of climate change, in Anacortes. Lawmakers this week sued Inslee over his vetoes to bills passed last spring. (Robert Mittendorf / The Bellingham Herald via The Associated Press)



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OLYMPIA — Washington state lawmakers are again suing Gov. Jay Inslee over his use of veto powers, claiming the governor overstepped his executive authority earlier this year when signing two bills.

[The legal challenge](#) filed this week in Thurston County Superior Court is the latest clash between the legislative and executive branches over how much latitude the governor has to reject language contained in bills passed by lawmakers.

Democratic and Republican legislators are challenging vetoes by Inslee in May to parts of a transportation budget and a major piece of his climate-change agenda: a clean-fuels standard.

The lawsuit is a rare bipartisan pushback over the governor's use of executive powers. Leaders in the Democratic-controlled House and Senate joined with Republicans in filing both legal challenges.

"This is not a partisan effort to undermine the governor's authority," said Senate Minority Leader John Braun, R-Centralia, in a statement Monday. "This is a bicameral, bipartisan effort to preserve the Legislature's lawmaking power. I'm encouraged that all four legislative caucuses are united here."

The lawsuit filed this week — which was anticipated — comes after the state Supreme Court [ruled against Inslee last month](#) in a similar case concerning a transportation-budget veto made by the governor in 2019.

That earlier legal challenge — also filed by lawmakers — was still moving through the courts this spring when the governor issued the same type of veto to a new transportation budget bill.

"Since the transportation vetoes are identical, it is likely that a majority of the court will rule in the same way on that issue" in this new case, Inslee spokesperson Tara Lee wrote in an email.

Washington's constitution limits veto powers by a governor to complete bills, sections of bills or appropriation — known as spending — items within those bills.

Prior court rulings have established that a governor can veto subsections of appropriation items, too, if the Legislature in some way "impermissibly attempted to circumvent" the executive's veto authority.

In his May bill-signing ceremony, the governor rejected a subsection in the new clean-fuels standard legislation that required a new statewide transportation-funding package in order for the fuels program to take effect.

That link between the two policies was part of a "grand bargain" between lawmakers to make sure the clean-fuels legislation would get through the state senate.

The Legislature's lawsuit called on justices to rule that that veto "is constitutionally invalid and has no force or effect."

The governor's office has said that Inslee never considered the two issues linked. Lee in an email stressed that the veto was necessary to keep carbon-reduction efforts on track.

"To be clear, current action on climate change is moving forward as a result of the governor's actions," Lee wrote. "If he had not acted, the Legislature would be delaying crucial actions on climate."

Lee added that, "while we respectfully disagree with the opinion issued by the majority in the transportation veto lawsuit, we remain confident that the governor acted within his authority" on the clean-fuels veto.

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